

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 026220-00081

In re patent application of:

Romano RIVOLTA et al

Confirmation No.: 6936

Serial No.: 10/579,904

Art Unit: 1621

Filed: May 19, 2006

Examiner: J. Cho

For: NEW PROCESS FOR THE PREPARATION OF
NITROOXYDERVIATIVES OF PARACETAMOL

PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

January 10, 2008

Sir:

In response to the Notice of Abandonment dated December 17, 2007, Applicants hereby petition that the holding of abandonment of the above-identified patent application for failing to make payment of the Issue Fee be withdrawn.

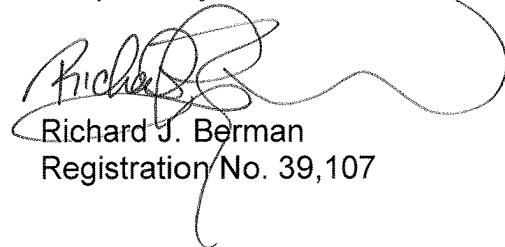
Applicants respectfully submit that the Notice of Allowance dated August 16, 2007, was never received by Applicants' undersigned representative. Applicants' undersigned representative has made a careful search of the entire file jacket for the subject application and the Notice of Allowance dated August 16, 2007, was not present. A review of the docket records also indicates that the Notice of Allowance was never received. Submitted herewith is Exhibit A, which is a copy of pages 42 and 43 of our computer docket sheet for November 16, 2007, where an entry for payment of the Issue Fee would have been had the Notice of Allowance been received. Our firm's typical mail handling procedure is for all mail to be docketed as soon as it is received. Further, Exhibit B is a reduced-size copy of the front of the file jacket for the subject application showing no entry thereon for the Notice of Allowance dated August 16, 2007. Our firm's policy and procedure are to mark the file jacket with the response due

date as soon as an action received from the Patent and Trademark Office is joined to the file jacket and reported to the client.

In view of the evidence submitted herewith showing that the Notice of Allowance was not received by Applicants' undersigned representative prior to the expiration of the statutory period for responding to the Notice of Allowance, it is respectfully submitted that the abandonment of the application is improper. Therefore, it is respectfully petitioned that the abandonment of the application be withdrawn and that a new Notice of Allowance be sent to the undersigned.

In the event that any fees are due with respect to this paper, please charge our Deposit Account No. 01-2300.

Respectfully submitted,



Richard J. Berman
Registration No. 39,107

Atty. Docket No.: 026220-00081

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Enclosures: Exhibit A - Pages 42 and 43 of the Computer Docket of November 16, 2007
Exhibit B - Front of File Jacket

01-May-2007

19-Nov-2007

Due Date Indicator	Action Due Action Type	Case Number/SubCase Country	Status Client/Division	App Number Pat/Reg	App Date Is/Reg Date	Atty's
16-Nov-2007 Reminder Resp.Off.: DC	Foreign Filing Due (2Wks) Foreign Filing	026154.00000.TR.473 United States of America <i>Trademark:</i> LONDON INK	Pending Discovery Communications, Inc.	77194060	31-May-2007	AVL LQ CK
16-Nov-2007 Reminder Resp.Off.: DC	Foreign Filing Due (2Wks) Foreign Filing	026154.00000.TR.474 United States of America <i>Trademark:</i> LONDON INK	Pending Discovery Communications, Inc.	77194049	31-May-2007	AVL LQ CK
16-Nov-2007 Reminder Resp.Off.: DC	Foreign Filing Due (2Wks) Foreign Filing	026154.00000.TR.475 United States of America <i>Trademark:</i> LONDON INK	Pending Discovery Communications, Inc.	77194026	31-May-2007	AVL LQ CK
16-Nov-2007 Final Resp.Off.: DC	RENEWAL DUE - 1 day prior FRGN-RENEWAL RMDR	026154.00001.0455 Macau <i>Trademark:</i> DISCOVERY HEALTH CHANNEL	Registered Discovery Communications, Inc.	N/006093	22-May-2000	AVL LQ EH
16-Nov-2007 Final Resp.Off.: DC	RENEWAL DUE - 1 day prior FRGN-RENEWAL RMDR	026154.00001.0456 Macau <i>Trademark:</i> DISCOVERY HEALTH CHANNEL	Registered Discovery Communications, Inc.	N/006095	22-May-2000	AVL LQ EH
16-Nov-2007 Reminder Resp.Off.: DC	RMDR-OPPOSITION DUE (1MO) FRGN-OPPOSITION DUE	026154.00002.TBD Spain <i>Trademark:</i> DISCOVERY COMMUNICATIONS, INC. v. Mariana Dolhare	Potential Oppos	275453	30-Jul-2007	AVL LQ EH
16-Nov-2007 Final Resp.Off.: DC	RENEWAL DUE - 1 day prior FRGN-RENEWAL RMDR	026154.00003.0214 Chile <i>Trademark:</i> FIT TV TOTAL FITNESS NETWORK AND DESIGN	Registered Discovery Communications, Inc.	370437 496805	03-Mar-1997 17-Nov-1997	AVL LQ EH
16-Nov-2007 Final Resp.Off.: DC	RENEWAL DUE - 1 day prior FRGN-RENEWAL RMDR	026154.00003.0215 Chile <i>Trademark:</i> FIT TV	Registered Discovery Communications, Inc.	370436 496804	03-Mar-1997 17-Nov-1997	AVL LQ EH

01-May-2007 To 19-Nov-2007

Due Date Indicator	Action Due Action Type	Case Number/SubCase Country	Status Client/Division	App Number Pat/Reg	App Date Iss/Reg Date	Atty's
16-Nov-2007 Due Date	FINAL AMENDMENT W/EXT-1 US-FINAL OA (3MO)	026390.00029 United States of America EXEO PATENT & TRADEMARK COMPANY	Published	10/538087	21-Nov-2005	GEO MLC
Resp Off.: DC			<i>Title:</i> COMPONENTS FOR A FILM-FORMING DEVICE AND METHOD FOR CLEANING THE SAME			
16-Nov-2007 Due Date	N/APPEAL W/EXT-1 US-NOT. OF APPEAL	026390.00029 United States of America EXEO PATENT & TRADEMARK COMPANY	Published	10/538087	21-Nov-2005	GEO MLC
Resp Off.: DC			<i>Title:</i> COMPONENTS FOR A FILM-FORMING DEVICE AND METHOD FOR CLEANING THE SAME			
16-Nov-2007 Reminder Resp Off.: DC	Chapter II/ Exam Fee Due 1 Mo Chapter II/ Exam Fee Due	026392.00103 Patent Cooperation Treaty	Published <i>Title:</i> METHODS OF IDENTIFYING AND TREATING PATIENTS LIKELY TO BENEFIT OMEGA-3 FATTY ACID THERAPY FOR ALZHEIMER'S DISEASE, DEMENTIA AND/OR MILD COGNITIVE IMPAIRMENT	PCT/US2007/004072	16-Feb-2007	RJB DCR VJP
16-Nov-2007 Reminder Resp Off.: DC	Chapter II Demand Due (1 Mo) Chapter II Demand Due	026392.00103 Patent Cooperation Treaty	Published <i>Title:</i> RELIANT PHARMACEUTICALS	PCT/US2007/004072	16-Feb-2007	RJB DCR VJP
16-Nov-2007 Reminder Resp Off.: DC	ANNUITY FEE (2WKS) FRGN ANNUITY FEE	026392.00123 Norway	Pending <i>Title:</i> METHODS OF IDENTIFYING AND TREATING PATIENTS LIKELY TO BENEFIT OMEGA-3 FATTY ACID THERAPY FOR ALZHEIMER'S DISEASE, DEMENTIA AND/OR MILD COGNITIVE IMPAIRMENT	20073456	22-Nov-2005	RJB ALS VJP
16-Nov-2007 Reminder Resp Off.: DC	STATUS RE: POSSIBLE OPPOS. STATUS RE: Possible Oppos.	026861.02348 Ukraine	Pending <i>Title:</i> RELIANT PHARMACEUTICALS	20073456	22-Nov-2005	RJB ALS VJP
16-Nov-2007 Due Date Resp Off.: DC	SEND ALLOWANCE LETTER US-ALLOWANCE (NO DRWGS)	027162.00002 United States of America	Allowed <i>Title:</i> CHOICE INTERNATIONAL HOTELS, INC. v. Sjollomitskij Michailo Andrijovitsj KONAN PATENT OFFICE	10/859575	03-Jun-2004	CMM MLC
						DCG CN kek

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US Patent

ATTORNEY RJB

RJB

PATENT NO.: _____

FOREIGN FILING DOCKETED YES NO

ISSUE DATE: _____

SMALL ENTITY: SMALL ENTITY

FEE ADDRESS INDICATION FORM
FILING DATE: _____

ORIG. DOCS IN FILE? YES NO

PATENT APPLICATION FILE

(NEW CONT _____ DIV _____ CIP _____ REISSUE _____)

INVENTOR(S) Romano RIVOLTA et al

SERIAL NO. 10/519,904 FILED May 19, 2004

TITLE New Process FOR THE PREPARATION OF NITROOXYDERIVATIVES
OF PARACETAMOL

ASSIGNEE: NICOX S.A.

PRIORITY: _____

RELATED U.S. APPLICATIONS _____

SPECIAL CLIENT INSTRUCTIONS:	ATTORNEY FILE REVIEW:
	DATE _____ INIT. _____
	DATE _____ INIT. _____
	DATE _____ INIT. _____

EXHIBIT B

026220 NICOX S.A.

00081 NEW PROCESS FOR THE PREPARATION OF NITROOXYDERIVA +F1119725
PAT-0001 U.S. Patent Application (National Phase of PCT/EP2004/052806) New Process for the preparation

1E111973



AFFIX FILESURF LABEL HERE ○ 26220-00081